

House Finance, Ways & Means Committee Amendment No. 2

Amendment No. 2 to HB3551

**Head
Signature of Sponsor**

AMEND Senate Bill No. 3415*

House Bill No. 3551

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by inserting a new Section after Section 55 of the printed bill to read:

SECTION _____. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. In addition to the appropriations made in Chapter 356, Public Acts of 2003 and in this act, the following items are appropriated in the fiscal year ending June 30, 2004:

Item 1. To the Department of Education the sum of \$2,631,100 to fund the BEP formula. There is further appropriated the sum of \$5,000,000 for the BEP in the fiscal year beginning July 1, 2004.

Item 2. To the Department of Education the sum of \$6,334,000 to fund the BEP two percent (2%) enrollment growth factor.

Item 3. To the Department of Human Services the sum of \$15,000,000 for TANF caseload increases and related programs.

Item 4. To the Department of Children's Services the sum of \$13,200,000.

Item 5. To the Department of Finance and Administration – Mental Retardation the sum of \$9,000,000.

Item 6. To the Department of Correction, State Prosecutions the sum of \$6,600,000.

Item 7. To the Department of Environment and Conservation, Groundwater Protection the sum of \$1,400,000.

Item 8. To the Department of Labor and Workforce Development the sum of \$3,200,000 for the Second Injury Fund program. There is further appropriated the sum of \$1,200,000 for the program in the fiscal year beginning July 1, 2004.

Item 9. To the Department of Military, Disaster Relief Grants the sum of \$1,800,000. There is further appropriated the sum of \$5,000,000 for the program in the fiscal

year beginning July 1, 2004.

Item 10. To the TennCare program the sum of \$627,500 to improve the percentage of children receiving EPSDT services. There is further appropriated the sum of \$2,510,200 for the program in the fiscal year beginning July 1, 2004. The Commissioner of Finance and Administration is authorized to adjust departmental revenue estimates in TennCare and the Department of Health and to establish 44 full-time positions in the Department of Health.

Item 11. To Miscellaneous Appropriations the sum of \$200,900 to provide for the mileage rate increase effective May 1, 2004 under the provisions of the state's comprehensive travel regulations. There is further appropriated the sum of \$1,103,600 for the rate increase in the fiscal year beginning July 1, 2004.

Item 12. To the Judicial branch the sum of \$470,000 for the Guardian Ad Litem program. There is further appropriated the sum of \$470,000 for the program in the fiscal year beginning July 1, 2004.

Item 13. To the Judicial branch the sum of \$1,000,000 for Indigent Defendants Counsel. There is further appropriated the sum of \$550,000 for the program in the fiscal year beginning July 1, 2004.

AND FURTHER AMEND by inserting a new Section after Section 55 of the printed bill to read:

SECTION _____. In addition to the appropriations made in Section 1 of this act, the following appropriations are made in the fiscal year beginning July 1, 2004:

Item 1. To the Miscellaneous Appropriation the sum of \$4,100,000 to fund a methamphetamine program. This appropriation is subject to Senate Bill 2143 - House Bill 2209 becoming law.

Item 2. To the Department of Human Services and TennCare the sum of \$4,520,900 to establish a call center. The Commissioner of Finance and Administration is authorized to allocate this appropriation between Human Services and TennCare, to adjust departmental revenues and to establish additional authorized positions.

Item 3. To TennCare the sum of \$496,600 to fund the TennCare appeals unit in

the Department of Human Services. The Commissioner of Finance and Administration is authorized to adjust departmental revenues accordingly, to transfer positions from TennCare to Human Services and to establish 62 full-time positions in Human Services.

Item 4. To TennCare the sum of \$50,000 to fund the cost of meetings of the TennCare Foundation and the TennCare Advisory Commission. This appropriation is subject to Senate Bill 3392 - House Bill 3513 becoming law.

Item 5. To TennCare the sum of \$38,300. This appropriation is subject to Senate Bill 3394 - House Bill 3512 becoming law.

Item 6. To TennCare the sum of \$581,000. This appropriation is subject to Senate Bill 2520 - House Bill 2350 becoming law.

Item 7. To TennCare the sum of \$319,700. This appropriation is subject to Senate Bill 2457 - House Bill 2392 becoming law.

Item 8. To TennCare the sum of \$35,300,000 for the purpose of making essential access hospital provider payments. To the extent that federal matching funds are available for all of the funds appropriated by this item, the payments will be divided into the following funding pools: (a) essential service safety net hospitals \$50 million; (b) children's safety net hospitals \$5 million; (c) free standing psychiatric hospitals \$2 million; and (d) other essential acute care hospitals \$43 million. The Commissioner of Finance and Administration shall utilize a payment methodology that considers both TennCare utilization as a percent of total utilization as well as charity, medically indigent care, and bad debt expenses as a percent of total expenses. The formula that determines the distribution of funds within these pools will be similar to the formula utilized for the payments made in FY 2001. In order for a hospital to qualify for a payment in the essential service safety net pool, the children's safety net pool and the other essential acute care pool, the hospital must be a contracted provider with TennCare Select and, where available, at least one other Managed Care Organization in the TennCare program. In order for a free standing psychiatric hospital to qualify for a payment, the hospital must be a contracted provider with one of the Behavioral Health Organizations.

Item 9. To Labor and Workforce Development, Worker's Compensation, and the

Department of Commerce and Insurance the sum of \$1,874,700 (recurring) and \$295,000 (non-recurring) to fund a mandatory review conference program and to establish thirty-seven additional positions. There is further appropriated a sum not to exceed \$250,000 to fund the purchase or development of a medical fee schedule. The Commissioner of Finance and Administration is authorized to allocate the appropriation and positions to the appropriate programs and to adjust departmental revenue accordingly. These appropriations are subject to Senate Bill 3424 - House Bill 3531 becoming law.

Item 10. To the Department of Environment and Conservation, State Parks Maintenance the sum of \$900,000.

Item 11. To the Department of Mental Health and Developmental Disabilities the sum of \$310,600 for administrative support services. Nine additional positions are authorized.

Item 12. The Commissioner of Finance and Administration is authorized to abolish nine positions in the Department of Finance and Administration - Mental Retardation, to adjust departmental revenues and federal funds accordingly and to transfer state appropriation in the amount of \$82,700 from TennCare to the Department of Mental Health and Developmental Disabilities.

Item 13. To Miscellaneous Appropriations the sum of \$3,500,000 for State Employee Classification Compensation. This appropriation is in addition to the appropriation made in Section 1, Title III-21, Item 14 of this act.

Item 14. To the Department of Correction the sum of \$5,000 for the 1985 Sentencing Act program. This appropriation is subject to Senate Bill 30 - House Bill 64 becoming law.

Item 15. To the District Attorneys General the sums of \$475,000 (recurring) and \$250,000 (non-recurring) to fund computer wide-area network connections and three computer support positions previously funded from federal grants and to fund the replacement and upgrade of personal computers, servers and software. Provided that the District Attorneys General shall replace the computer equipment and software through the OIR computer replacement fund and shall submit to OIR an information systems plan in 2004 and succeeding

years under guidelines issued by OIR.

Item 16. To the State Board of Education the sum of \$72,800 to fund one professional position.

Item 17. To the Department of Education the sums of a) \$34,100 for the Science Alliance Museums grants and b) \$6,000 for the Touching the Lives of Children pre-school grants.

Item 18. To Miscellaneous Appropriations the sum of \$10,000 to fund the provisions of Senate Bill 3417 - House Bill 3527, if such bill becomes law. The bill authorizes payment to persons owing money to the state if it is determined that refusing to do so would interrupt essential services.

Item 19. To the Department of Human Services the sum of \$810,000 for the sole purpose of allocating such sum in equal grants to each of the nine (9) human resource agencies. This appropriation shall be non-recurring.

Item 20. To the State Museum the sum of \$350,000 for the purpose of acquiring cultural artifacts. This appropriation shall be non-recurring.

Item 21. To the Board of Probation and Parole the sum of \$222,900 for replacement of personal computer equipment. This appropriation shall be non-recurring.

Item 22. To Miscellaneous Appropriations the sum of \$71,500 to fund the state agency payments to the Underground Storage Tanks program. This appropriation shall be non-recurring and it is subject to Senate Bill 3413 - House Bill 3496 becoming law.

Item 23. To the Department of Commerce and Insurance, Regulatory Boards, the sum of \$551,200 from dedicated revenues and reserves for replacement of the regulatory boards computer system.

Item 24. To the McWherter Scholars program the sum of \$150,000 to fund scholarships for fifty (50) freshmen.

Item 25. To the Department of Finance and Administration the sum of \$4,000,000 to fund a capital outlay project for a morgue at East Tennessee State University.

Item 26. To the Department of Environment and Conservation the sum of

\$3,000,000 to fund the Bedsole Tract acquisition. This appropriation shall be non-recurring.

Item 27. In addition to the funds appropriated in Section 1 of this act, there is appropriated from the real estate transfer tax the sum of \$6,000,000 to be allocated as a recurring appropriation to the following programs, as authorized by Tennessee Code Annotated, Section 67-4-409:

Wetlands Acquisition Fund	\$2,437,500
Local Parks Acquisition Fund	\$1,312,500
State Lands Acquisition Fund	\$1,125,000
Agricultural Resources Conservation Fund	\$1,125,000

Item 28. To the Department of Finance and Administration the sum of \$20,600,000 to fund higher education capital outlay projects with reduced matching requirements. The matching requirements shall be: a) thirty percent (30%) for projects at the University of Tennessee-Knoxville, University of Memphis and Middle Tennessee State University; b) twenty percent (20%) for projects at other universities and associated programs; c) ten percent (10%) for community college projects; and d) two and one-half percent (2.5%) for technology center projects.

Item 29. To Miscellaneous Appropriations the sum of \$11,700,000 to fund information system development projects. This appropriation shall be non-recurring.

Item 30. To the District Attorneys General the sum of \$491,800 to fund an increase in the statutory pay plan effective July 1, 2004. This appropriation is subject to Senate Bill 2975 - House Bill 3468 becoming law.

Item 31. To the District Public Defenders the sum of \$138,200 to fund an increase in the statutory pay plan effective July 1, 2004. This appropriation is subject to Senate Bill 525 - House Bill 76 becoming law.

Item 32. To the Department of Correction, 1985 Sentencing Act the sum of \$332,500. This appropriation is subject to Senate Bill 2473 - House Bill 3186 becoming law.

Item 33. Subject to Senate Bill 3217 – House Bill 3467 becoming law, the following appropriations are made for the purpose of implementing the Tennessee Sexual Offender and Violent Sexual Offender Registration, Verification and Tracking Act of 2004:

- (1) To the Department of Correction, 1985 Sentencing Act the sum of \$118,600.
- (2) To the Tennessee Bureau of Investigation the sum of \$318,200 (\$83,100 recurring and \$235,100 non-recurring).
- (3) To the Board of Probation and Parole the sum of \$251,300 (\$19,300 recurring and \$232,000 non-recurring).

Item 34. To the Department of Education, Improving School Programs the sum of \$2,463,200 for the Family Resource Centers program.

Item 35. To the Department of Economic and Community Development the sum of \$750,000 for the state to be represented in its official capacity as host of a national meeting. This appropriation is non-recurring and shall not revert to the general fund at June 30, 2005.

Item 36. To the Department of Labor and Workforce Development a sum sufficient from filing fees imposed in the Worker's Compensation program. This appropriation is intended to upgrade salary ranges for the program specialists. This appropriation is subject to Senate Bill 3424 - House Bill 3531 becoming law.

Item 37. To the Board of Probation and Parole the sum of \$2,500,000 to fund a pilot project for the "Tennessee Serious and Violent Sex Offender Monitoring Act." This appropriation shall be non-recurring and is subject to Senate Bill 3159 - House Bill 3182 becoming law.

AND FURTHER AMEND by deleting from Section 1, Title III-31 of the printed bill the following item:

"2. Department of Education 590,000.00"

and by substituting a new item to read:

"2. Department of Education 140,000.00"

and by adjusting the total accordingly.

AND FURTHER AMEND by adding to Section 2 of the printed bill, a new item to read:

Item____. From the appropriation made in Section 1, Title III-3, Item 4 to the Department of Agriculture, Forestry Operations, the sum of \$3,600,000 is intended to fund the replacement of bulldozers and associated equipment and to provide for debt service on

equipment revolving fund bonds and operational costs. Any unexpended funds for this purpose may be transferred to the State Funding Board and the board is directed to cancel bonds in said amount.

AND FURTHER AMEND by adding to Section 8 of the printed bill a new item as follows:

Item _____. To meet obligations of the program created in T.C.A. Title 49, Chapter 7, Part 8.

AND FURTHER AMEND by adding to Section 9 of the printed bill a new item to read:

Item _____. To the Department of Economic and Community Development, Small Business Energy Loan Program and Local Government Energy Loan Program.

AND FURTHER AMEND by deleting in its entirety Item 19 in Section 10 of the printed bill and by substituting a new Item 19 to read:

Item 19. From the appropriations made to State Prosecutions in Section 1, Title III-7, payments to reimburse counties for housing state prisoners shall not exceed \$32.00 per inmate per day. Provided, however, the \$32.00 per inmate per day limitation on reimbursement payments shall be inapplicable to the extent the state is obligated by the specific terms of a written contract to provide reimbursement at a rate in excess of \$32.00 per inmate per day, but only to the extent of that contractual obligation.

AND FURTHER AMEND by adding to Section 36 of the printed bill the following additional items:

Item _____. To the Department of Mental Health and Developmental Disabilities in Section 1, Title III-14 in the amount of \$420,000. The funds are reappropriated to fund the last year of the Nashville Connection System of Care grant.

Item _____. To the Department of Labor and Workforce Development in Section 1, Title III-13 in the amount of \$195,000. The funds are reappropriated to fund a contract with Workers Compensation Research Institute.

Item _____. To the Tennessee Higher Education Commission in Section 1, Title

III-10 in the amount of \$90,000. The funds are reappropriated to study the development of an accredited college of public health.

Item _____. To the Tennessee Local Development Authority in Section 12,
Item 18.

Item _____. To the Miscellaneous Appropriations in Section 1, Title III-21,
Item 13, Finance and Administration – Special Projects.

AND FURTHER AMEND by deleting in its entirety Section 39 of the printed bill and substituting the following as a new Section 39:

SECTION 39. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. There is hereby appropriated from departmental revenues and federal aid funds the amounts hereinafter set out:

	<u>2003-2004</u>	<u>2004-2005</u>
District Attorneys General Conference		
1. IV-D Child Support Enforcement	\$414,200	\$414,200
Secretary of State		
1. Secretary of State	\$65,000	\$65,000
2. State Library and Archives	370,000	252,000
3. Regional Library System	55,000	55,000
Total Secretary of State	\$490,000	\$372,000
Commissions		
1. TRICOR	\$0	\$972,700
Finance and Administration – TennCare Program		
1. TennCare Services	\$1,500,000	\$15,000,000
Education		
1. Improving School Programs	\$20,000	\$99,200
2. School-Based TennCare Services	1,500,000	15,000,000
Total Education	\$1,520,000	\$15,099,200
Finance and Administration – Mental Retardation		
1. Developmental Disabilities Council	\$33,400	\$100,000
Health		
1. Policy Planning and Assessment	\$250,000	\$50,000
2. Alcohol and Drug Abuse Services	2,017,300	6,052,100
3. Women, Infants, and Children (WIC)	1,128,000	1,128,000
4. Local Health Services	1,000,000	1,000,000
Total Health	\$4,395,300	\$8,230,100
Human Services		
1. Child Support	\$414,200	\$414,200
2. Community Services	0	6,842,500
Total Human Services	\$414,200	\$7,256,700

Revenue		
1. Processing Division	\$0	\$152,200
Transportation		
1. Mass Transit	\$0	\$8,400,000
GRAND TOTAL	\$8,767,100	\$55,997,100

The Commissioner of Finance and Administration is authorized to establish 65 full-time positions and to allocate them to the appropriate organizational units, including two positions in the Department of Finance and Administration, Resource Development and Support; one in the Commission on Aging and Disability; and two in the Department of Transportation, Bureau of Administration, for contract monitoring; and one position in the District Attorneys General program; one in Department of Education, Alvin C. York Institute; three in Mental Retardation Division, East Tennessee Region; and two in Department of Health, Communicable and Environmental Disease Services. At June 30, 2004, any unexpended balances of departmental revenues and federal aid funds appropriated in this section are hereby reappropriated in the fiscal year beginning July 1, 2004.

AND FURTHER AMEND by adding to Section 41 of the printed bill the following new items:

Item _____. Subject to Senate Bill 3212 - House Bill 3250 becoming law, the following appropriations are made for the purpose of implementing the Charitable Gaming Implementation Law:

(1) To the Secretary of State in the fiscal year ending June 30, 2004, the sum of \$43,000 from dedicated revenue and a sum not to exceed \$47,000 from state tax revenue.

(2) To the Secretary of State in the fiscal year ending June 30, 2005, the sum of \$1,028,300 from dedicated revenue.

(3) To the Department of Correction, 1985 Sentencing Act, in the fiscal year ending June 30, 2005, the sum of \$8,300.

Item _____. In addition to the appropriations made in Section 1, Title III-1, Item 3.7 to the Economic Council on Women, there is appropriated the sum of \$31,500. The appropriation made in Section 1, Title III-1, Item 3.1 to the Secretary of State is reduced in the amount of \$31,500.

Item _____. From the appropriations made in Sections 1 and 4 of this act to the Department of Children's Services, the Commissioner of Finance and Administration is authorized to transfer amounts budgeted for contract services to payroll and to increase the number of authorized positions to replace contractors with state employees.

Item _____. From the appropriations made in Section 1, Title III-17 to the Department of Human Services, the Commissioner of Finance and Administration is authorized to transfer \$3,845,100 from Community Services to Family Assistance Services. It is the legislative intent to recognize the corrected base budget reduction plan.

Item _____. From the appropriations made in Section 1, Title III-3 to the Department of Agriculture, the Commissioner of Finance and Administration is authorized to transfer \$38,800 from Administration and Grants to Market Development and to adjust departmental revenues accordingly.

Item _____. From the appropriations made in Section 1, Title III-5 to the Department of Environment and Conservation, the Commissioner of Finance and Administration is authorized to transfer \$75,000 from Solid Waste Management to Recreation Educational Services and to adjust departmental revenues accordingly.

Item _____. In the fiscal years ending June 30, 2004 and June 30, 2005, there are appropriated sums sufficient to the Department of Commerce and Insurance, Division of Regulatory Boards, from dedicated revenues and reserves available to the Real Estate Education and Recovery Fund and the Auctioneer Education and Recovery Fund to provide for court-ordered payments.

Item _____. The Commissioner of Finance and Administration is authorized to transfer one full-time position from the Department of Environment and Conservation to the Department of Education, Environmental Education Program, and to adjust departmental revenue accordingly.

Item _____. From the appropriation made in Chapter 356, Public Acts of 2003 and in Section 1, Title II, Item 5 of this act for Indigent Defendants Counsel, there are earmarked sums sufficient for the sole purpose of funding the provisions of Senate Bill 3008 - House Bill 3454, if such bill becomes law.

Item _____. From the funds appropriated in Section 1, Title III-14 to the Department of Mental Health and Developmental Disabilities, there is appropriated the sums of \$54,000 (recurring) and \$116,500 (non-recurring) for the purpose of funding Senate Bill 3390 -

House Bill 3514, if such bill becomes law. It is the legislative intent that the costs of equipping the regional mental health institutes and the recurring communication costs be paid out of the savings generated from the bill.

Item _____. Subject to Senate Bill 3385 - House Bill 3526 becoming law, it is the legislative intent to recognize a loss in dedicated revenue of \$18,345 to the Department of Commerce and Insurance, Division of Regulatory Boards.

Item _____. From the appropriations made in Section 1, Title III-22 of this act to the Department of Children's Services for the maintenance of the Tennessee Preparatory School property, the Commissioner of Finance and Administration is authorized to transfer appropriations and positions to other agencies and to the Facilities Revolving Fund to provide for the continued maintenance of the property.

Item _____. There is hereby appropriated a sum sufficient to fund the cost of any background investigation conducted under the provision of Chapter 528, Public Acts of 2004, including any background investigation requested by the chair of the nominating commission appointed pursuant to Tennessee Code Annotated, Section 38-6-101. It is the legislative intent that such cost be a public expense.

Item _____. There is hereby appropriated a sum sufficient to the Tennessee Bureau of Investigation to fund the provisions of Senate Bill 3148 - House Bill 3291.

Item _____. There is hereby appropriated a sum sufficient to the General Assembly to fund the cost of a contract for an executive search and background checks of applicants for the position of director of the Tennessee Bureau of Investigation.

Item _____. Subject to Senate Bill 2078 - House Bill 2143 or Senate Bill 2277 - House Bill 2160 becoming law, it is the legislative intent to recognize a \$167,400 loss of state revenue, relative to sales tax exemption for motor vehicles sold and registered in Tennessee to Tennessee National Guardsmen or U.S. uniformed service Reservists who are in active military service and are stationed outside the U.S. during hostilities and are receiving combat pay.

AND FURTHER AMEND by adding the following new item at the end of Section 12:

Item _____. In addition to any other funds appropriated by the provisions of this

act, there is hereby appropriated to the Department of Finance and Administration for distribution to the appropriate entities a sum sufficient to fund any bill on which the final fiscal note indicates that: (a) state revenues would be increased in an amount equal to or greater than state expenditures as a result of the enactment of such bill; or (b) the cost of implementation of the bill is minimal or not significant. It is the legislative intent that if funding is earmarked for implementation in such bills that the funds appropriated in this item be reduced accordingly. It is the legislative intent to recognize a revenue loss from bills that result in no expenditure increase but forego revenue which has not been collected previously.

AND FURTHER AMEND by deleting in its entirety the last paragraph in Section 1, Title III-31 of the printed bill and by substituting a new paragraph to read:

Said funds herein appropriated shall be used solely for improvements, betterments, and additions to state structures and for the acquisition of additional land and space, including the purchase of existing structures and grants, as described or referred to above and as approved by the State Building Commission; provided, further, that such funds as are appropriated herein shall be utilized to finance only those projects, improvements, betterments, or additions which are presented in the State of Tennessee's 2004-2005 Budget Document, as amended by any changes or additional projects contained in the Appropriations Act as passed on third and final consideration; provided, further, that all funds appropriated in this act or other general acts of this session for capital outlay shall be subject to the provisions of Tennessee Code Annotated, Title 4, Chapter 15, Part 1, and further expressly providing for the making of a grant to the Historic Tennessee Theatre Foundation, a not-for-profit organization located in Knoxville. Such grant so identified and approved is determined to be for a public purpose.

AND FURTHER AMEND by deleting in its entirety the second paragraph in Section 2, Item 11 of the printed bill and by substituting a new paragraph to read:

Other appropriations made under this act to the Department of Correction, Sentencing Act of 1985, are hereby reappropriated to the department for major maintenance and capital outlay purposes or to cancel bonds. The balance of any reserve fund carried

forward at June 30, 2004 is hereby reappropriated to the department for major maintenance or capital outlay purposes. The appropriation and transfer of funds authorized in this item are made under the provisions of Tennessee Code Annotated, Section 9-4-210.

AND FURTHER AMEND by deleting from Section 10, Item 12 of the printed bill the citation "Item 7.2," and substituting the citation "Item 7.3,".

AND FURTHER AMEND by deleting from Section 10 of the printed bill, Item 31 in its entirety and by inserting in Section 9 of the printed bill a new item to read:

Item _____. To the Department of Tourist Development from revenues received from communities, businesses, non-state organizations, federal funds, and other sources of departmental revenue to be used for marketing programs of the department. Any unexpended balances at June 30 shall be carried forward in a reserve and are hereby reappropriated in the subsequent fiscal year. The provisions of this item shall take effect upon becoming law, the public welfare requiring it.

AND FURTHER AMEND by adding the following new item at the end of Section 10:

Item _____. Effective July 1, 2004, there shall be established a separate allotment code for the Division of Charitable Solicitations in the Department of State to include all revenues, receipts, expenses and disbursements of the division.

AND FURTHER AMEND by adding a new item to Section 12 of the printed bill to read:

Item _____. There is appropriated to the Treasury Department the sum of \$83,600 from departmental revenues.

AND FURTHER AMEND by adding to Section 23, Item 1 of the printed bill, a new sentence at the end of the last paragraph to read:

When submitted, a copy of operational budget expansion reports shall be provided to the Fiscal Review Committee executive director and the Office of Legislative Budget Analysis director for information purposes.

AND FURTHER AMEND by deleting from Section 31, paragraph 10., the figure "\$30,940,000" and by substituting the figure "\$61,880,000".

AND FURTHER AMEND by deleting in its entirety Item 1 from Section 35 of the printed bill and substituting a new Item 1 to read:

Item 1. To the Judicial Branch in Section 1, Title II, but excluding the appropriations for Indigent Defendants' Counsel, Civil Legal Representation, Verbatim Transcripts, Board of Law Examiners, Board of Professional Responsibility, Tennessee Lawyers Assistance Program, Continuing Legal Education and Client Protection Fund.

AND FURTHER AMEND by deleting from Section 36, Item 9 of the printed bill, the citation "Item 18." and substituting the citation "Item 16."

AND FURTHER AMEND by deleting from Section 36, Item 31 of the printed bill, the citation "Section 12," and substituting the citation "Section 36,".

AND FURTHER AMEND by deleting in its entirety Section 37 of the printed bill and substituting a new Section 37 to read:

SECTION 37. The provisions of this section shall take effect upon becoming a law, the public welfare requiring it. Subject to the availability of revenue at June 30, 2004, any unexpended balances of appropriations made under Chapter 356, Public Acts of 2003, other acts of this General Assembly or acts by previous General Assemblies for benefit of an agency of local government or a third-party nonprofit organization for which there is a grant agreement/contract approved by the Commissioner of Finance and Administration are hereby reappropriated to be expended in the 2004-2005 fiscal year and such appropriations shall be carried forward in a reserve into the fiscal year beginning July 1, 2004. The Commissioner of Finance and Administration shall provide a list of any unexpended balances carried forward to the Director of Accounts and to the Division of State Audit. The reappropriation and carry forward of these funds is subject to approval by the Commissioner of Finance and Administration.

AND FURTHER AMEND by inserting in Section 41, Item 28 of the printed bill, the word "ending" before the date "June 30, 2005".

AND FURTHER AMEND by deleting from Section 41 of the printed bill, Item 34 in its entirety and by substituting a new Item 34 to read:

Item 34. The departmental revenues appropriated in this act from federal homeland security grant programs are subject to the following provisions:

(a) A sum sufficient of this federal revenue is hereby appropriated for expenditure in the year ending June 30, 2004, and the unexpended balance in the year ending June 30, 2005. The allotment of these funds is subject to approval of the Commissioner of Finance and Administration, and the distribution among state and local agencies shall be subject to approval of or under procedures of the state Homeland Security Council.

(b) The Commissioner of Finance and Administration is hereby authorized to reallocate appropriations within the affected state agencies and to reallocate homeland security appropriations among the affected agencies for the purpose of providing the required state match to these and other federal homeland security and bioterrorism grants; to adjust position authorizations among affected departments, offices, and programs for that purpose; and to adjust federal and other departmental revenue estimates accordingly.

AND FURTHER AMEND by deleting in its entirety Section 41, Item 35 of the printed bill and substituting a new item to read:

Item 35. From the appropriations in Public Acts of 2003, Chapter 356, and in Sections 1 and 4 of this act, sums sufficient are appropriated for state agencies to pay the professional privilege tax levied in Tennessee Code Annotated, Title 67, Chapter 4, Part 17, on behalf of full-time state employees who are subject to the tax; and who use the certification in their job duties. The payment is subject to approval by the department or agency head. This item is subject to authorization of such payments in Tennessee Code Annotated, Title 67, Chapter 4, Part 17, as amended by Senate Bill 3418/House Bill 3480, if such bill becomes law.

AND FURTHER AMEND by adding new items to Section 41 of the printed bill to read:

Item _____. The appropriation of \$25,000 made in Section 12, Item 1044 of the 1998 Appropriations Act is hereby reappropriated to the Mockingbird Community Retirement Center, a 501C3 organization, to be used for planning of a retirement center for persons with speech and hearing impairments.

Item _____. From the funds appropriated in Section 1, Title III-24 of this act to the Department of Finance and Administration - Mental Retardation, there is hereby earmarked a sum sufficient not to exceed \$350,000 for the purpose of defraying extraordinary liability insurance expenses incurred by certain providers of mental retardation services to be determined and administered by the Department of Commerce and Insurance.

Item _____. From the revenues produced by the professional privilege tax levied in Tennessee Code Annotated, Title 67, Chapter 4, Part 17, there is hereby appropriated a sum sufficient to reimburse public higher education institutions and programs for payment of the tax on behalf of full-time employees who are subject to the tax.

AND FURTHER AMEND by deleting from Section 43, Item 5 of the printed bill the figure "\$220,000,000" and substituting the figure "\$222,000,000".

AND FURTHER AMEND by deleting in its entirety Section 43, Item 7 of the printed bill and substituting a new item to read:

Item 7. In the fiscal year ending June 30, 2005, subject to authorization in Senate Bill 3448/House Bill 3546, if such bill becomes a law, or to authorization in other law, an amount of \$65,800,000 shall be transferred to the general fund from the Department of Transportation funds in the highway fund or other funds.

AND FURTHER AMEND by inserting at the end of Section 43, Item 10, the following: "The Commissioner of Finance and Administration shall report to the chairmen of the Senate and

House Finance, Ways and Means committees the amounts reallocated by agency.”

AND FURTHER AMEND by deleting from Section 43, Item 12 of the printed bill the citation “Section 1, Title III-3” and substituting the citation “Section 1, Title III”.

AND FURTHER AMEND by adding a new item at the end of Section 46 of the printed bill:

Item _____. It is the legislative intent to hold harmless the groups receiving revenue in the fiscal year ending June 30, 2004, under the provisions of Tennessee Code Annotated, Title 55, Chapter 4, Part 2 – Special License Plates, in the event the allocation of revenue is discontinued through court proceedings in the fiscal year ending June 30, 2005. Subject to the allocation of revenue being discontinued, there is hereby appropriated to Miscellaneous Appropriations a sum sufficient on a non-recurring basis in an amount equal to the allocation of revenues in the fiscal year ending June 30, 2004, less any allocation made prior to being discontinued in the fiscal year ending June 30, 2005. The Commissioner of Finance and Administration shall determine the amounts to be allocated.

AND FURTHER AMEND by deleting from Section 49, Item 7 of the printed bill the words and punctuation “tuition increases.” and substituting the words and punctuation “tuition increases or budget reallocations.”.

AND FURTHER AMEND by inserting in Section 51 of the printed bill the words “and property insurance premiums” in the first sentence after the words “Board of Claims premiums”.

AND FURTHER AMEND by deleting in its entirety Section 55 of the printed bill and substituting in lieu thereof the following:

SECTION 55. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. From the lottery for education account, the after-school programs

special account, and other accounts and sub-accounts established pursuant to the Tennessee Education Lottery Implementation Law, Public Acts of 2003, Chapter 297, sums sufficient hereby are appropriated for the higher education scholarship programs and other education programs authorized by that law; by Public Acts of 2003, Chapter 298, the lottery-funded education programs law; and by Senate Bill 3158 / House Bill 3210, relative to lottery-funded after-school educational programs, if that bill becomes a law. The appropriations from these sources for pre-kindergarten and early childhood education programs shall not exceed eight million (\$8,000,000) and for after-school programs shall not exceed two million dollars (\$2,000,000); provided that in both cases the appropriation is contingent upon the availability of funds in the proper account and upon the availability of excess funds from net lottery proceeds, after the funding of higher education scholarships.